

REMARKS

The present application was filed on September 15, 1999 with claims 1-6. In the outstanding Office Action dated July 10, 2003, the Examiner has: (i) objected to the drawings under 37 C.F.R. §1.83(a) as failing to shown every feature specified in the claims; (ii) rejected claim 2 under 35 U.S.C. §112, second paragraph as being indefinite; and (iii) rejected claims 1-6 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,870,545 to Davis et al. (hereinafter "Davis").

In this response, claim 1 has been amended for clarity and claims 4-6 have been amended to correct a typographical error. Applicants traverse the objection to the drawings. Furthermore, Applicants traverse the §112 and §102(e) rejections for at least the reasons set forth below. Applicants respectfully request reconsideration of the present application in view of the above amendments and the following remarks.

The Examiner has objected to the drawings under 37 C.F.R. §1.83(a) for not showing every feature of the invention specified in the claims. Applicants respectfully traverse this objection and submit that the timed-evaluation-step recited in claim 1 is merely an expansion (deviation) of the start condition evaluation step 103 shown in FIG. 1 and described in the present specification, at least on page 17, lines 2-4 and 17-33 (see present specification; page 19, lines 15-17). Two exemplary embodiments of the claimed timed-evaluation-step are shown in FIGS. 3 and 4 and clearly described in the specification. Applicants further assert that the description set forth in the present specification, when considered by itself, provides a sufficient description of the claimed invention so as to enable one skilled in the art to clearly understand the invention. As stated in 37 C.F.R. §1.81(a), a drawing is only required "where necessary for the understanding of the subject matter sought to be patented." Accordingly, inasmuch as Applicants believe that the features of the claimed subject matter are shown in the figures, withdrawal of the objection to the drawings under 37 C.F.R. §1.83(a) is respectfully requested.

Claim 2 stands rejected under 35 U.S.C. §112, second paragraph. In this regard, the Examiner contends that there is insufficient antecedent basis for the limitation "process model" recited in the claim. Applicants respectfully disagree with this contention and assert that proper antecedent support for the term "the process model" set forth in claim 2 is provided in claim 1 from which claim 2 depends. Specifically, claim 1 recites "at least one process model said process model comprising one or more process-activities..." (emphasis added). Inasmuch as Applicants believe that

there is proper antecedent basis for the term “the process model” recited in claim 2, favorable reconsideration and allowance of claim 2 are respectfully solicited.

Claims 1-6 stand rejected under 35 U.S.C. §102(e) as being anticipated by the Davis reference. With regard to independent claim 1, and claims 4-6 which are of similar scope, the Examiner contends that Davis discloses each of the elements set forth in the subject claims. Applicants respectfully disagree with this contention and submit that, not only does Davis fail to disclose the claimed invention, but the problem being solved by the claimed invention, namely, the evaluation of start conditions of activities within a process model, cannot be present in Davis based on the teachings of Davis.

The target-activity set forth in claim 1 represents a work item of the process and, as such, cannot be analogized to “rule nodes” as the Examiner contends (final Office Action; page 4, paragraph 2). If any analogy can be made between the claimed invention and the system taught by Davis, the target-activity recited in claim 1 may be comparable to the “work nodes 41, 43, 45, 46, 48, 50, 52, 54” disclosed in Davis (Davis; column 6, lines 52-54). However, Davis explicitly states that a word node “has at most one inward arc and one or more outward arcs” (Davis; column 6, lines 39-41; emphasis added). Since, in accordance with the claimed invention, evaluating start conditions for a given target-activity requires processing multiple incoming connectors (see, e.g., present specification; page 18, lines 18-20; FIG. 2), and since in the arrangement disclosed by Davis a given work node can have only one incoming connector, the problem which the claimed invention seeks to solve cannot be present in Davis. By contrast, the “rule nodes” disclosed in Davis may be comparable to “transition conditions,” which are Boolean expressions associated with the control connectors in the present invention (see, e.g., present specification; page 12, lines 30-32).

The Examiner contends that the “rule language” taught by Davis “can be altered in the program of the ‘rule nodes’ to customize the rules or conditions” and that these rule nodes are “capable of being programmed to evaluate conditions such as when a certain time interval has occurred” (final Office Action; page 7, paragraph 3; emphasis added). However, Applicants respectfully disagree with this contention. Even assuming, *arguendo*, that the “rule nodes” of Davis can be altered to function in the manner set forth in the subject claims, the mere fact that the program of the rule nodes in Davis must be “altered” to obtain the claimed invention, as the Examiner suggests, further evidences the failure of Davis to explicitly disclose the features of the claimed

invention, as required in order to sustain a rejection under §102(e). Moreover, to characterize Davis in the manner suggested by the Examiner would require an improper use of hindsight. In this regard, it is well-settled law that “[t]he mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.” *In re Fritch*, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992). Thus, Applicants submit that the present invention, as set forth in the subject claims, is also not rendered obvious in view of Davis.

Applicants further assert that Davis fails to teach or suggest “evaluating the truth-value of a start-condition once truth-values of all incoming control-connectors of said target-activity have been posted,” as explicitly set forth in claim 1. Since a “work node” disclosed in Davis, which may be most closely comparable to the “target-activity” recited in the claimed invention, is capable of receiving only one incoming arc (connector) (Davis; column 6, lines 39-41), the arrangement taught by Davis is not configurable for evaluating multiple incoming control connectors for the purpose of determining the truth values of the start-conditions, as required by the claimed invention. Consequently, Davis fails to disclose all of the features of the present invention set forth in the subject claims.

Notwithstanding the above traversal, Applicants have amended claim 1 to further clarify that the target-activity whose start-condition is to be evaluated represents a work item of the process. This is explained in the present specification at least on page 2, lines 17-19. As previously stated, work items are distinguishable from the “work nodes” taught by Davis in that “work nodes” are only capable of receiving at most one incoming arc (incoming connector), and thus cannot address the problem to which the claimed invention is directed, namely, the evaluation of start-conditions associated with multiple incoming connectors to a given target-activity.

As stated in Applicants’ prior response dated March 14, 2003, an advantage of the claimed invention, which is distinguishable from the prior art of record, is that by associating time intervals to control connectors, a target activity can proceed with its processing even when all of the incoming control connectors corresponding to the target activity have not been evaluated (present specification; page 19, lines 15-23). In this manner, the portions of the target activity that can be started are allowed to continue, without having to wait for all incoming control connectors to be evaluated first. In the arrangement taught by Davis, “work nodes” are not configurable for

evaluating multiple incoming connectors. In contrast to the claimed invention, by using the approach taught by Davis, if an incoming control connector never gets evaluated (fired), the process simply halts. Or, if an incoming control connector is evaluated late, the process may not be completed in time. The claimed invention provides a solution to either of the above problems in the prior art.

For at least the reasons given above, Applicants submit that independent claims 1 and 4-6 are patentable over the prior art of record. Accordingly, favorable reconsideration and allowance of these claims are respectfully solicited.

With regard to claims 2 and 3, which depend from claim 1, Applicants assert that these claims are also patentable over the prior art of record by virtue of their dependency from claim 1, which is believed to be patentable for at least the reasons given above. Furthermore, one or more of these claims define additional patentable subject matter in their own right. For example, claim 2 further defines the timed-evaluation step as utilizing, as a starting point for the time interval, the point in time when a commencing activity is completed. Davis fails to teach or suggest at least this limitation of the claimed invention. Instead, the Examiner incorrectly analogizes a “start work node 150” (Davis; column 13, lines 13-7) with the use of the completion of a commencing activity as the starting point of the associated time interval. Accordingly, claims 2 and 3 are believed to be patentable over the cited prior art, not merely by virtue of their dependency from claim 1, but also in their own right. Therefore, favorable reconsideration and allowance of these claims are respectfully requested.

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In view of the foregoing, Applicants believe that pending claims 1-6 are in condition for allowance, and respectfully request withdrawal of the §112 and §102 rejections.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wayne L. Ellenbogen", with a long, sweeping horizontal line extending to the right.

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